

KAUFMAN, DOLOWICH & VOLUCK, LLP

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Attorney for Defendants, Sher Tremonte, LLP Justin M. Sher, Michael Tremonte, Noam Korati Biale and Anna Maria Estevao

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Jose O. Torres,

Plaintiff,

v.

Sher Tremonte, LLP, Justin M. Sher,
Michael Tremonte, Noam Korati Biale, Anna
Maria Estevao, Tor Ekeland Law, PLLC, Tor
Ekeland, Jessica Coonrod, Argentino Fiore
Law Advocacy, LLC, Jodi Argentino,
Celeste Fiore, Frank Morano,

Defendants.

Hon. Madeline Cox Arleo

Civil Action No. 2:22-cv-4662
(MCA)(CLW)

**NOTICE OF MOTION TO DISMISS
COMPLAINT PURSUANT TO
Fed. R. Civ. P. 12(b)(6)**

TO: Jose O. Torres (J-2020-03855)
Essex County Correctional Facility
354 Doremus Avenue
Newark, NJ 07105

David P. Skand
Eckert Seamans Cherin & Mellott, LLC
100 Mulberry St,
Newark, NJ 07102
Tor Ekeland Law, PLLC
30 Wall Street, 8thFloor
New York, NY 10005

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1985 Marcus Avenue, Ste. 207
New Hyde Park, NY 10042

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PLEASE TAKE NOTICE that on **Monday, December 5, 2022** at 9:00 o'clock in the forenoon or as soon thereafter as counsel may be heard, the undersigned, Kaufman Dolowich & Voluck, LLP, Attorneys for Defendants Sher Tremonte, LLP, Justin M. Sher, Esq., Michael Tremonte, Esq., Noam Korati Biale, Esq., Anna Maria Estevao, Esq., (collectively "Defendants"), shall move before the above-named Court, at the United States District Court for the District of New Jersey, at the Martin Luther King, Jr. Federal Building & U.S. Courthouse located at 50 Walnut Street, Newark, New Jersey, pursuant to Fed. R. Civ. P. 12 (b)(6) for an Order granting Defendants motion dismissing Plaintiff's Complaint with prejudice in the above matter.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, Defendants shall rely upon the Brief in Support of the Motion, and Certification of Robert Berns, Esq., with exhibits attached, submitted herewith.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that should opposition be filed in response to this motion, then oral argument is hereby requested.

KAUFMAN DOLOWICH & VOLUCK, LLP

Attorney for Defendants, *Sher Tremonte, LLP Justin M. Sher, Michael Tremonte, Noam Korati Biale and Anna Maria Estevao*

By: */s/Robert A. Berns*
ROBERT A. BERNS
25 Main Street Suite 500
Hackensack, New Jersey 07601

DATED: November 10, 2022

CERTIFICATION OF FILING AND SERVICE

The undersigned hereby certifies that on the date set forth below the within Notice of Motion, Certification of Robert A. Berns, Esq., Brief in Support of Motion and proposed form of Order were filed this day with the Clerk of the U.S. District Court, via ECF and that copies of each of the aforementioned documents were served via ECF and regular mail as follows:

| | |
|---|--|
| Jose O. Torres (J-2020-03855) Essex County Correctional Facility 354 Doremus Avenue Newark, New Jersey 07105 | Tor Ekeland, Esq. 30 Wall Street, 8thFloor New York New York 10005 |
| David P. Skand Eckert Seamans Cherin & Mellott, LLC 100 Mulberry St, Newark, NJ 07102 | Jessica Coonrod, Esq. 1985 Marcus Avenue, Ste. 207 New Hyde Park, New York 10042 |

And that a copy of the within Motion was forwarded via FedEx to the following:

Hon. Madeline Cox Arleo, U.S.D.J.
MLK Jr. Federal Building & Courthouse
50 Walnut Street
Newark, New Jersey 07102

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By: */s/Robert A. Berns*
ROBERT A. BERNs

Dated: November 10, 2021